

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KARA HARDIE and KYLE O'BRIEN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; LINCOLN
PROPERTY CO.; FPI MANAGEMENT, INC.;
MID-AMERICA APARTMENT
COMMUNITIES, INC.; AVENUE5
RESIDENTIAL, LLC; EQUITY
RESIDENTIAL; ESSEX PROPERTY TRUST,
INC.; THRIVE COMMUNITIES
MANAGEMENT, LLC; and SECURITY
PROPERTIES INC.,

Defendants.

No. 2:23-cv-00059

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Kara Hardie and Kyle O'Brien (collectively, "Plaintiffs") and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, and Security Properties Inc. (collectively, the "Stipulating Defendants"), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Class Action Complaint (the "Complaint") on January 11, 2023. ECF No. 1.

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1 WHEREAS, Plaintiffs served the Stipulating Defendants with process on or about
2 January 27, 30, and 31, 2023 and February 1 and 7, 2023.

3 WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on
4 the alleged use of RealPage, Inc.'s revenue management software.

5 WHEREAS, as of the date of this filing, the parties are aware that one or more of the
6 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona,
7 California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, and
8 other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the
9 alleged use of RealPage, Inc.'s revenue management software.

10 WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named
11 in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on
12 Multidistrict Litigation to transfer this case and others to the U.S. District Court for the
13 Northern District of Texas for consolidated pretrial proceedings;

14 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that
15 party and judicial efficiency would be best served by suspending, for a short period of time, the
16 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
17 Complaint.

18 WHEREAS, similar orders have been entered in other related cases subject to
19 Defendants' MDL Petition, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D.
20 Colo.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v.*
21 *RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*,
22 No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712
23 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

24 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agree that the
25 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
26 Complaint should be suspended and should be set on the same date as the deadline ultimately

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1 established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry*
2 *et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage,*
3 *Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No.
4 2:22-cv-01726 (W.D. Wash.).

5 WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to file a joint status
6 report with the Court by April 21, 2023.

7 In making this stipulation, the Stipulating Defendants do not waive, in this or any other
8 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.
9 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action
10 waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to
11 seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek
12 arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses
13 (or any other defense) in response to either the Complaint or any original, amended, or
14 consolidated complaint that may be filed in this or any other action.

15 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend
16 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to
17 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

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19 STIPULATED to this 10th day of February, 2023.
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We certify that this memorandum contains
1,777 words, in compliance with the Local Civil
Rules.

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Counsel for Defendant Mid-America Apartment Communities, Inc.

ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, and Security Properties Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, and Security Properties Inc. shall file a joint status report with the Court by April 21, 2023.

Dated this 14th day of February, 2023.



Robert S. Lasnik
United States District Judge